

Amney Docket No. 14013-0032CIP

REMARKS/ARGUMENTS

Claims 1-18 remain in the subject application. Claims 1, 3, 7 and 18 are amended, as recited hereinabove.

Claims 1, 7 and 8 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Comments with respect to the rejections of claim 8 appearing on page 2 of the Final Office Action are not clearly understood. For example, while claim 8 is two lines, reference is made to lines 10-11 of claim 8. It is believed that the comments regarding claim 8 actually apply to claim 18. Accordingly, claims 7 and 18 have been amended. It is thus believed that claims 1, 7 and 18 overcome such rejection and are now believed to be in proper form. Claim 8 remains as previously presented.

Claims 1-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield (U.S. Patent No. 6,023,345) in view of Sayward (U.S. Patent No. 5,712,712). It is believed that independent claims 1, 7, and 18, as amended hereinabove, in addition to claim 15 are indeed patentable over Bloomfield in view of Sayward. Neither Bloomfield nor Sayward disclose "transmitting failed fax pages, defined by those fax pages of the fax document that failed to be successfully transmitted to the recipient fax machine, in the form of a secondary email message comprising of secondary email packets, to the mail server for future re-transmission of the failed faxed pages to the recipient fax machine", as does the claimed invention.

At the bottom of page 3 of the Final Office Action, it is stated that "Sayward teaches the step of detecting error in transmitting fax pages to recipient (Fig. 6, block 608-610). The detecting error in transmission fax can be implement into Bloomfield's system". With all due respect, this is not the "transmitting failed fax pages ..." recited above. That is, Fig. 6, blocks 608-610 of Sayward disclose a time-out error condition that is accounted therefore. The description presented regarding blocks 608-610, in Sayward, is repeated below:

"...In the case of a successful connection in item 603, the fax transmission protocol is used in item 608 to transmit the fax image data to the receiving FRD. A test for mi-stream fax transmission failure is made in item 610. If there is a failure then, as above, a time out check is

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made in item 607. If the fax transission in item 608 completes without error, then the connection disconnects normally in item 612, in item 613 a Fax Delivery Completion Notice JQE is created and enqueued into the JQ, and the software terminates with a successful fax delivery in item 614." [See Sayward: Col. 10, lns. 39-48] This is simply not the "transmitting failed fax pages ..." of the claimed invention. For example, there is no disclosure of secondary email packets in Sayward. Additionally, the combination of Bloomfield and Sayward is respectfully disagreed therewith, as neither reference suggests or hints at the teaching of the other.


Accordingly, it is submitted that independent claims 1, 7, 15 and 18 are patentable over Bloomfield in view of Sayward. Additionally, all claims depending therefrom are also necessarily patentable over Bloomfield in view of Sayward.

Accordingly, reconsideration and allowance of claims 1-18 is hereby respectfully requested. Applicants submit that the subject application is now in condition for allowance and an early notice thereof is respectfully requested. Should any further amendment be required prior to passing the application to issue, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

Respectfully submitted,
LAW OFFICES OF IMAM

Dated: August 6, 2003
LAW OFFICES OF IMAM
111 North Market Street, Suite 1010
San Jose, CA 95113
Tel: 408-271-8752/3

Fax: 408-271-8886

By 
Maryam Imam
Reg. No. 38,190

I hereby certify that this correspondence with all attachments is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Arlington VA 22313-1450 on August 6, 2003 by Erika Villafana.

August 6, 2003


Erika Villafana